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vital moments of its creation³⁰ or its receipt³¹ has jurisdiction to tax it, regardless of the intent of its owner as to its future location. If past accumulated income is brought into the state, however, the protection afforded is analogous rather to that given ordinary chattels than to that given peculiarly to income as income; and jurisdiction to tax should depend on the same principles as does that to tax ordinary personality.

It appears thus that, regardless of the character of the tax its laws impose, the jurisdiction of the state of the new domicil to tax income is limited, except in the rare case mentioned, either by the actual lack of jurisdiction or the prohibition on its exercise placed by the Fourteenth Amendment, to the levy of a tax on or with respect to only so much of the total income as was acquired after the acquisition of the new domicil.³²

RECENT CASES

BANKRUPTCY — PREFERENCES — LIABILITY OF TRUSTEE FOR TAX LEVIED AFTER THE ADJUDICATION. — In March, 1919, B was adjudicated a bankrupt. In September, 1919, Wisconsin passed a law levying a tax on 1918 incomes. Under the Bankruptcy Act, which provides for priority of payment of taxes due and owing from the bankrupt to the state, Wisconsin sought an order directing the payment of this tax. (1913 U. S. COMP. STAT., § 9648). Held, that the trustee in bankruptcy should pay the tax. *Matter of Borden Company, Bankrupt*, 47 A. B. R. 396 (7th Circ.).

The provision in the Bankruptcy Act for the payment of taxes does not specify the time when they must be due and owing, but this is interpreted to mean at the time of the adjudication. *First National Bank v. Aultman*, 12 A. B. R. 12 (N. D. Ohio). See *New Jersey v. Anderson*, 203 U. S. 483, 494; *In re Sherwoods*, 210 Fed. 754, 758 (2d Circ.). The principal case does not satisfy this requirement. Nor is it aided by the interpretation that it is sufficient if a tax is assessed though it is not yet collectible. See *In re William F. Fisher & Co.*, 148 Fed. 907, 912 (D. N. J.); *Matter of Ramirez*, 39 A. B. R. 320, 323 (D. P. R.). It is true that a trustee in bankruptcy is liable for current taxes on property in his possession. *Swarts v. Hammer*, 120 Fed. 256 (8th Circ.). This liability is generally treated as governed by the provision of the Bankruptcy Act relating to the payment of taxes. *In re Sims*, 118 Fed. 356 (W. D. Ga.). But it would seem better to treat it not as a tax but as an expense of administration. So treated it is clear that no analogy in support of the result of the principal case can be drawn from the trustee's liability for current taxes. Cf. *First National Bank v. Aultman, supra*; *Matter of Emmerman v. Ohio Steel Specialty Co.*, 13 A. B. R. 40 n. (N. D. Ohio).

BANKRUPTCY — PROCEDURE AND PRACTICE — CLAIM FOR FEDERAL TAXES BARRED IF NOT FILED WITHIN A YEAR AFTER ADJUDICATION. — X, then owing federal income taxes for the previous year, filed a voluntary petition in bankruptcy and was duly adjudicated a bankrupt. More than a year after the

³⁰ *Shaffer v. Carter, supra*.

³¹ *Maguire v. Tax Commissioner, supra*; *Maguire v. Trefry, supra*.

³² Conversely, in each case the state of the old domicil should have jurisdiction to tax that part, or with respect to that part, of the income which was acquired before the change. If the state of the old domicil purported to affix the liability as a tax on the parent property at the instant the income was created, it would in effect be a tax on the income. At all events it would be unobjectionable. See note 13, *supra*.